IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2618 of 2005

Between:

M/s. Bombay Dying Cloth & Ready Mades, R/o. 5-9-30/ 14 & 15, Basheerabagh, Hyderabad, represented by its Proprietor, Sri Maheshkumar, S/o. late Jawaharli Lal, R/o. Hyderabad.

..... PETITIONER

AND

1 The Municipal Corporation of Hyderabad, rep by its Commissioner, Tankbund Road, Hyderabad.
2 The Additional Commissioner (Finance) Advertisement Section, M.C.H., Tankbund Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in treating the name Board/board frames fixed by the Petitioner on the parapet wall of its business place are as covered by Section 420 and 421 of H.M.C. Act, and consequently demanding the fee vide proceedings No. AC(EZ)-19/Advt./MCH/2004-2005 dated 2-2-2005 for the same is illegal, arbitrary, capricious and in violation of the principles of natural justice.

Counsel for the Petitioner:MR.P.SRIHARI

Counsel for the Respondent Nos.1 and 2: MR.RAMA RAO GHANTA (SC FOR MUNICIPALITY)

The Court at the stage of admission made the following :

-

-

-

-

-

-

ORDER:

This writ petition is filed questioning the proceedings dated 02.02.2005 issued by the respondent-Corporation, directing the petitioner to pay the required advertisement fee and EMD as specified therein with regard to the advertisement of Glow signboards.

The grievance of the petitioner is that the advertisement fee as demanded by the respondent-Corporation is not in accordance with the provisions of the statute and at any rate the petitioner was not given any opportunity to explain that it is not liable to pay the amount as demanded.

Having heard learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to submit its explanation/representation, treating the impugned proceedings as show cause notice, within a period of four weeks from today, in which event, the respondents shall consider the same and pass appropriate orders before taking any further action. Till then the impugned proceedings shall not be given effect to.

Accordingly, the writ petition is disposed of. No costs.

_____

16.02.2005

sh

To

1 The Commissioner, Municipal Corporation of Hyderabad, Tankbund Road, Hyderabad.
2 The Additional Commissioner (Finance) Advertisement Section, M.C.H., Tankbund Road, Hyderabad.

3 2 CD copies